

IN THE UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF MISSISSIPPI
SOUTHERN DIVISION

LEXINGTON INSURANCE COMPANY,

Petitioner,

vs.

EMMA RAINE,

Respondent.

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NO. 1:12-cv-198 LG-JMR

ANSWER

COMES NOW, the Defendant Emma Raine, by and through her counsel, Rufus H. Alldredge and Owen, Galloway & Myers, PLLC and responding to the Complaint for Declaratory Judgment would respectfully state unto the Court the following, to-wit:

I.

The Defendant admits the allegations of paragraphs 1, 2, 3, 4, 5, 6, 8, 9, 10, 11, 12, 13, 14, 15, and 16 of the Complaint for Declaratory Judgment.

II.

The Defendant denies the allegations set for in paragraph 7, 17, 18, 19, 20, 21 22, 23, 24, 25, 26, 27, and the last unnumbered paragraph for the Complaint for Declaratory Judgment.

III.

The Defendant denies each and every allegation of the Complaint for Declaratory Judgment not specifically denied herein.

IV.

The Defendant reserves all defenses available under the Federal Rules of Civil Procedure including, but not limited to, Rule 12.

COUNTER-CLAIM

Now having answered the Complaint for Declaratory Judgment, the Defendant files this counter-claim against the Plaintiff, and for cause would respectfully state unto the Court the following, to-wit:

1. The Defendant was an insured under Lexington Insurance Company policy #L022057545-02. The insurance policy was in full force on the date of the fire loss subject of this litigation.

2. The Plaintiff has breached its obligations and duties under the policy of the insurance. The Defendant charges the Plaintiff with breach of contract.

3. The Defendant seeks actual damages for loss of structure, contents, loss of use, and any other benefits available under the policy of the insurance.

4. The Defendant further seeks *Veasley* damages, including attorney's fees and case expense associated with this litigation. The Defendant prays all costs of this litigation be assessed to the Plaintiff.

WHEREFORE premises considered the Defendant prays the Counter-Claim be received and filed, and upon hearing, the Court award damages as requested.

RESPECTFULLY SUBMITTED this the 3rd day of July, 2012.

EMMA RAINE, RESPONDENT

BY: /s/RUFUS H. ALLDREDGE
(MS Bar No. 1351)

BY: /s/BEN F. GALLOWAY
(MS Bar No. 4390)

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CERTIFICATE OF SERVICE

Counsel has electronically filed the foregoing pleading with the Clerk of the Court using the ECF system, which served a copy to all counsel of record.

This the 3rd day of July, 2012.

BY: /s/RUFUS H. ALLDREDGE
(MS Bar No. 1351)

BY: /s/BEN F. GALLOWAY
(MS Bar No. 4390)